THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 16056 of 2006

Dated: 03.08.2006

Between:

Maqbool Khan, S/o Khaja Khan, Attender, R/o H.NO.2-6-14, Brahmanpuri, Nirmal, Adilabad District.

..... PETITIONER

AND

The Central Government Industrial Tribunal-cum-Labour Court, at Hyderabad, rep. by its Presiding Officer and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.16056 of 2006

Order:

Assailing the award dated 23.09.2004, passed by the Central Government Industrial Tribunal-cum-Labour Court, at Hyderabad, in L.C.I.D. No. 100 of 2002, the petitioner filed the present writ petition.

The petitioner states that he was appointed as Watchman-cum-Attender on daily wages in the 3rd respondent-Bank on 08.06.1995. While so, the 3rd respondent-Bank, without issuing any notice and without conducting any enquiry, orally terminated his services on 31.03.1999. Aggrieved by the same, the petitioner raised an industrial dispute in L.C.I.D. No. 100 of 2002, and the Labour Court, vide the award impugned in the writ petition, confirmed the removal order passed by the 3rd respondent-Bank. Assailing the said award of the Labour Court, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and perused the award of the Labour Court.

The learned counsel for the petitioner submitted that the Labour Court failed to see that the petitioner worked as Watchman-cum-Attender in the 3rd respondent-Bank from 08.06.1995 till the date of his oral termination i.e., 31.03.1999. He further submits that the Labour Court also failed to see that the petitioner worked for a period of 240 days continuously in a Calendar Year, and that the 3rd respondent-Bank, without issuing any notice and without conducting any enquiry, orally terminated his services, which is illegal and arbitrary. He, thus, prayed to set aside the award passed by the Labour Court and allow the writ petition.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of certiorari are limited to – firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion,

conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the evidence while exercising certiorari jurisdiction. It is within these parameters, the impugned award of the Labour Court, is to be examined.

A perusal of the award of the Labour Court clearly shows that there is no iota of evidence placed by the petitioner to come to a conclusion that he worked as Watchman-cum-Attender in the 3rd respondent-Bank continuously for a period of 240 days in a Calendar Year. It also shows that the Service Certificate (Ex.W1), produced by the petitioner, does not bear any date and the petitioner is unable to give the name of the person, who issued the said certificate. In the circumstances, the Labour Court, after considering the entire material on record, held that in the absence of any proof that the petitioner worked for 240 days continuously in a Calendar Year, he is not entitled to any relief, and no exception can be taken thereto.

The award of the Labour Court, judged from the parameters of certiorari jurisdiction of this Court under Article 226 of the Constitution of India, does not call for any interference, for the petitioner failed to point out any infirmities.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 03.08.2006
Nsr/Grk